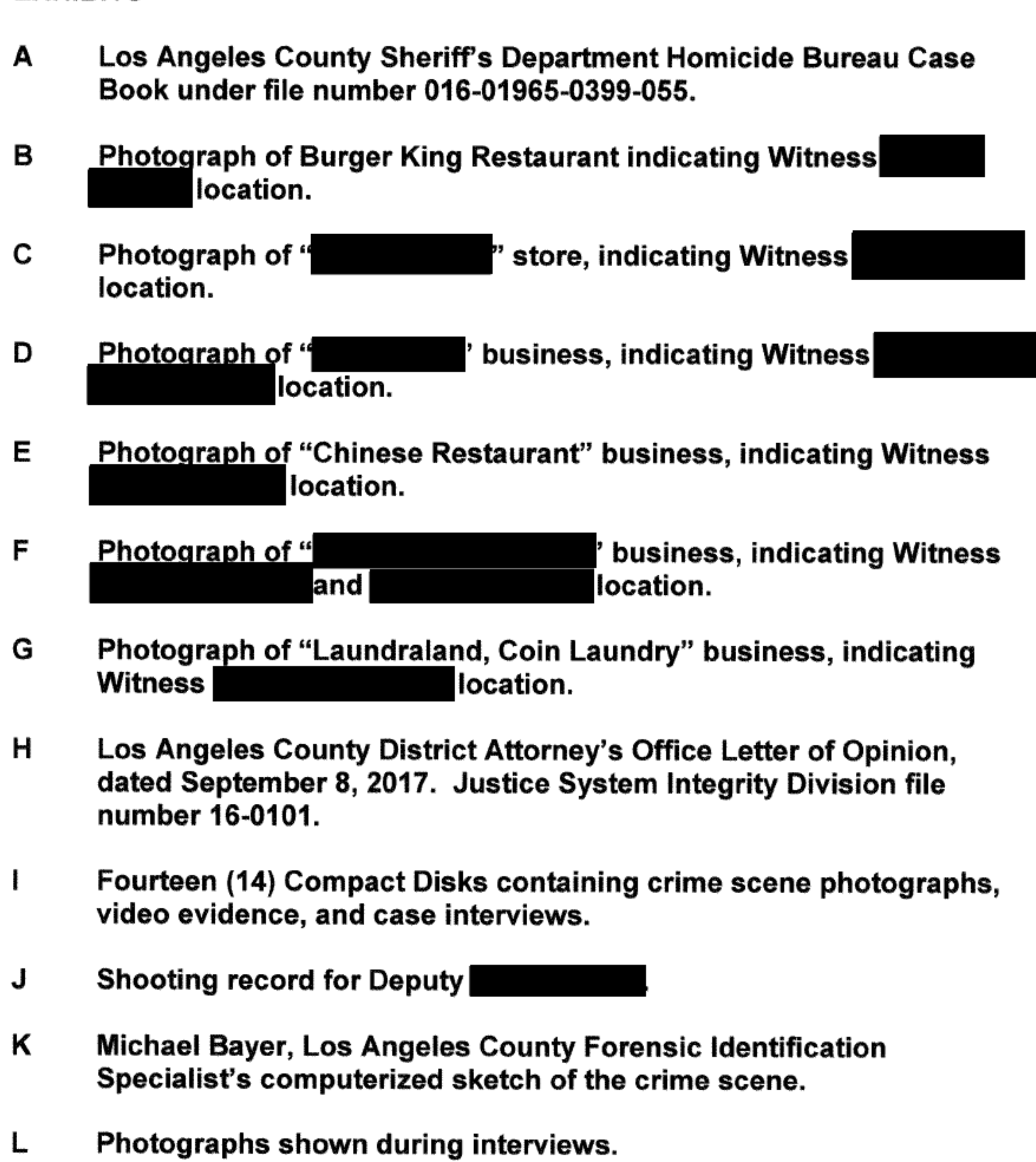
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SH 2397208

SERGEANT MARK SUMI

WITNESS [redacted]

EXHIBITS



A Los Angeles County Sheriff's Department Homicide Bureau Case Book under file number 016-01965-0399-055.

B Photograph of Burger King Restaurant indicating Witness [redacted] location.

C Photograph of "[redacted]" store, indicating Witness [redacted] location.

D Photograph of "[redacted]' business, indicating Witness [redacted] location.

E Photograph of "Chinese Restaurant" business, indicating Witness [redacted] location.

F Photograph of "[redacted]' business, indicating Witness [redacted] and [redacted] location.

G Photograph of "Laundraland, Coin Laundry" business, indicating Witness [redacted] location.

H Los Angeles County District Attorney's Office Letter of Opinion, dated September 8, 2017. Justice System Integrity Division file number 16-0101.

I Fourteen (14) Compact Disks containing crime scene photographs, video evidence, and case interviews.

J Shooting record for Deputy [redacted].

K Michael Bayer, Los Angeles County Forensic Identification Specialist's computerized sketch of the crime scene.

L Photographs shown during interviews.

MISCELLANEOUS DOCUMENTS

Signed Administrative Rights Force/Shooting Investigation forms.
In-Service for PM shift on March 4, 2016.
South Los Angeles Station Foot Pursuit Package.
Shooting Records for Deputy [redacted]
Resignation letter for Deputy Daniel Gonzalez.



BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

September 8, 2017

Captain Christopher Bergner
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Dear Captain Bergner:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 4, 2016, non-fatal shooting of Fernando Hernandez by a member of the Los Angeles County Sheriff's Department. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

By

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy [redacted], #[redacted]

Hall of Justice
211 West Temple Place, Suite 1200
Los Angeles, CA 90012
(213) 974-3888
Fax: (213) 626-5125
WEBSITE: http://da.co.la.ca.us

MEMORANDUM

TO: CAPTAIN CHRISTOPHER BERGNER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Fernando Hernandez
J.S.I.D. File #16-0101
L.A.S.D. File #016-01965-0399-055

DATE: September 8, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 4, 2016, non-fatal shooting of Fernando Hernandez by Los Angeles County Sheriff's Department (LASD) Deputy [redacted]. It is our conclusion that Deputy [redacted] acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting on March 4, 2016, at approximately 4:55 p.m. The District Attorney Response Team responded and was given a briefing and a walk-through of the scene.

The following analysis is based on reports submitted to this office by LASD Homicide Bureau Detectives Adam Kirste and Robert Gray. Deputy [redacted] provided a voluntary statement which was considered as part of this analysis.

FACTUAL ANALYSIS

On March 4, 2016, at approximately 3:20 p.m., Deputies [redacted] and Daniel Gonzalez were working uniformed patrol in a marked black and white police vehicle. The deputies were exiting a motel parking lot after conducting a patrol check when they observed Fernando Hernandez walking westbound on the south sidewalk of Century Boulevard in the City of Inglewood.

Statement of Deputy [redacted]

The area is known to [redacted] for having a high volume of drug trafficking, gang activity and violent crimes. Hernandez wore baggy clothing, had a tattoo over his eye and a red bandana

hanging from his right front pants pocket.[1] [redacted] also observed a bulge near Hernandez' right front pants pocket. Based on the high crime location, his suspicion that Hernandez belonged to a gang and the bulge beneath his clothing, [redacted] believed that Hernandez was in possession of a weapon. [redacted] and Gonzalez decided to contact Hernandez to determine whether or not he was armed.

[redacted] made a U-turn and stopped the patrol car on the south curb facing eastbound. Gonzalez exited the patrol car and contacted Hernandez, as [redacted] placed the vehicle into park and turned on the overhead lights. [redacted] exited the patrol car and observed Hernandez fleeing westbound on the south sidewalk, followed by Gonzalez. As [redacted] gave chase, he heard Gonzalez yell, "Gun!" [redacted] drew his service weapon, passed Gonzalez and took the lead in the pursuit.[2] At that time, Hernandez placed his hand near the bulge on his right side. [redacted] was uncertain whether Hernandez was trying to hold the weapon in place, attempting to discard it or preparing to use the firearm against him and his partner. Hernandez then ran into a commercial plaza at the southeast corner of Century Boulevard and Hawthorne Boulevard.[3]

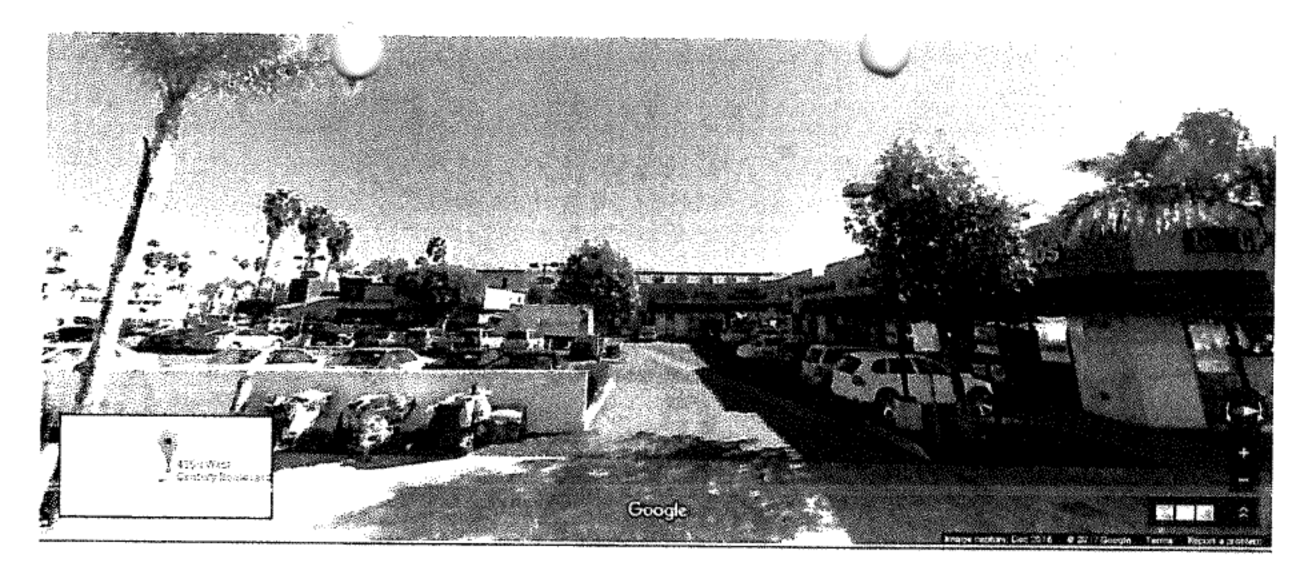


Google image of the Century Boulevard entrance into the shopping plaza looking southbound.

[1] Based on [redacted] training and experience, a red bandana is a symbol used by members of the Bloods, a criminal street gang. Though the Bloods are a predominantly black gang, they also have Hispanic gang members. Due to the baggy clothing, tattoo, bandana and location, [redacted] suspected that Hernandez was a gang member.

[2] Surveillance video taken from a car rental agency on Century Boulevard showed that approximately 27 seconds elapsed between the time [redacted] made the U-turn and when he passed Gonzalez during the pursuit.

[3] The first business along the east side of the plaza is a Burger King, followed by the drive thru lane entrance. On the other side of the drive thru is a beauty supply shop, a Boost Mobile and a fish market. The corner shop is a laundromat. The businesses along the south side of the plaza are a tax preparation business, an insurance office, a Chinese restaurant and a check cashing place.



Google image of the Hawthorne Boulevard exit on the southwest side of the plaza.

Hernandez ran south through the parking lot and removed a revolver from his right waistband area causing the red bandana to fall to the ground.[4] Instead of tossing the firearm, Hernandez maintained possession of it in his right hand. As [redacted] followed Hernandez through the parking lot, Hernandez looked back toward [redacted]. [redacted] believed that Hernandez was attempting to acquire him as a target and fired his service weapon five to seven times at Hernandez.[5] In that moment, [redacted] feared that Hernandez was going to turn around and shoot at him or fire at him over his shoulder. [redacted] feared that Hernandez would make a "lucky shot" and kill him. [redacted] also feared for the safety of Gonzalez as well as the citizens who were at the shopping center. After [redacted] fired at Hernandez, Hernandez dropped the revolver, came to a stop and surrendered.

Statement of Deputy Daniel Gonzalez

Gonzalez called out to Hernandez after [redacted] stopped the patrol car on the south side of Century Boulevard. Initially, Hernandez looked toward their vehicle and appeared startled. Hernandez then pretended that he did not see the deputies. At that time, Gonzalez noticed a bulge near Hernandez' right front waistband and pocket area. He also noted that Hernandez was wearing baggy clothing and had a tattoo on his face. Due to Hernandez' appearance, the fact that they were in an area where he had made multiple arrests for weapon charges and because the location experienced a high volume of gang activity, Gonzalez suspected that the bulge was a firearm. Gonzalez decided to conduct a pat down search of Hernandez for weapons.

Gonzalez exited the patrol car and said, "Hey dude. Come on. Let me talk to you for a second." Hernandez dropped his right hand toward the bulge area and Gonzalez immediately reached for Hernandez' right hand. Hernandez then turned and fled westbound. Gonzalez followed him yelling "Stop!" multiple times. Hernandez ignored his commands. Hernandez began to manipulate his right waistband area as if he was trying to retrieve something. Gonzalez observed

[4] The red bandana was recovered in a parking space in front of the Burger King.
[5] An examination of [redacted] service weapon determined that he fired seven times.

what appeared to be bl[illegible] metal at his waist area and believed th[illegible]t was a gun. Gonzalez yelled, "Gun!" to warn [redacted] who was behind him. Several businesses before reaching the corner plaza, [redacted] passed Gonzalez.

[redacted] chased Hernandez around the corner into the shopping plaza and along the pedestrian walkway in front of the Burger King. Hernandez' right hand was still at his waist. Gonzalez decided to flank Hernandez to the right (west) to cut off his escape route onto Hawthorne Boulevard. Gonzalez lost sight of Hernandez, but could still see the back of [redacted] While running through the parking lot, Gonzalez heard approximately five gunshots. Gonzalez then saw [redacted] pointing his service weapon at Hernandez, who was on the ground and out of view. As he approached [redacted] Gonzalez observed Hernandez on his hands and knees on the south side of the parking lot. A firearm was lying on the ground next to Hernandez and he was bleeding from his left side. Gonzalez broadcast a request for additional deputies and a rescue ambulance. [redacted] and Gonzalez held Hernandez at gunpoint until responding deputies arrived at the scene and took him into custody.

Civilian Witnesses

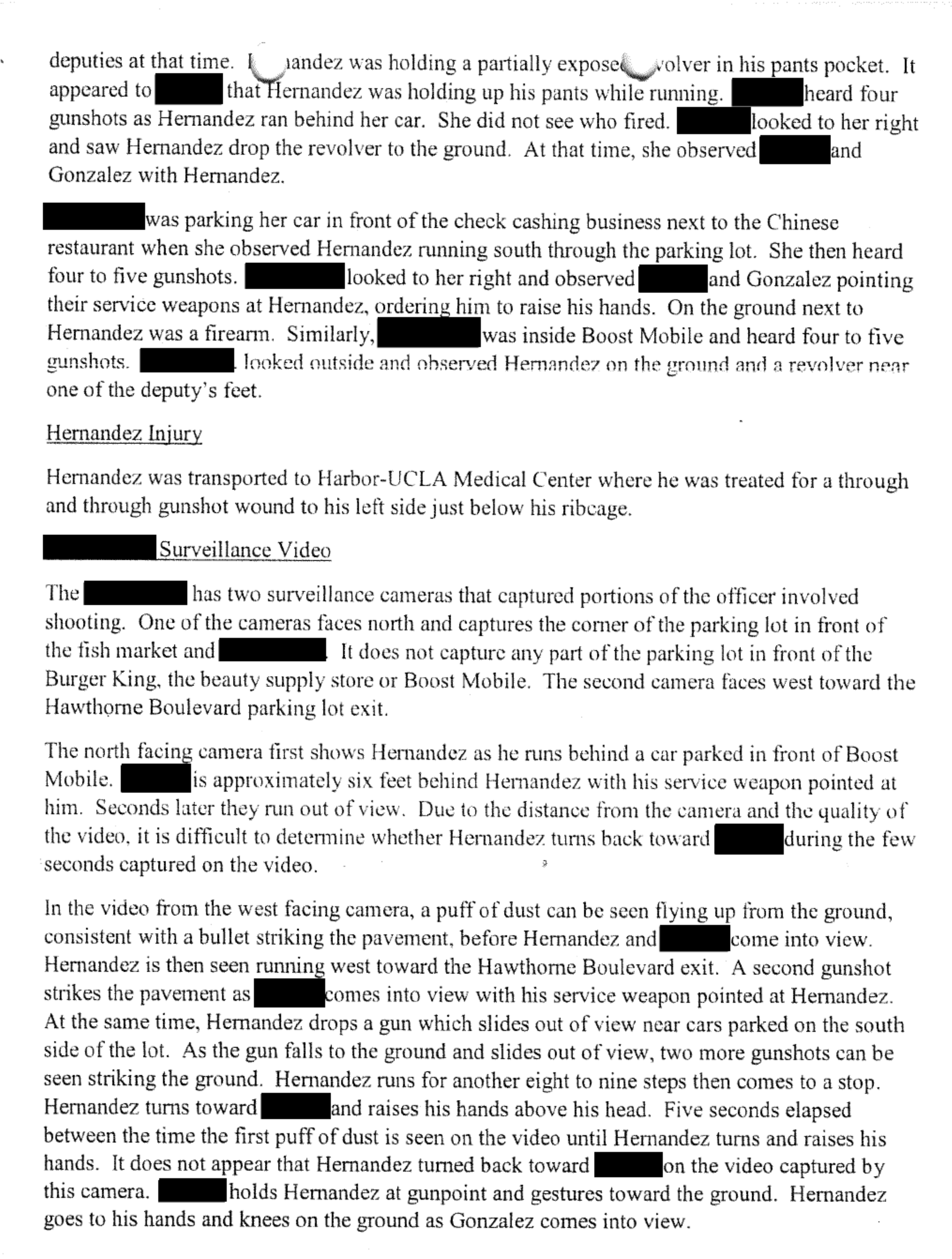
There were numerous witnesses at the shopping plaza who heard the gunshots, but did not see the shooting. Several witnesses observed [redacted] firing his service weapon, but did not see Hernandez in possession of a firearm. Three witnesses observed Hernandez with a handgun prior to the shooting.

[redacted] was standing outside the Chinese restaurant on the south side of the plaza. [redacted] observed Hernandez running southbound through the parking lot from Century Boulevard. Hernandez was gripping a black revolver by the handle with the barrel pointed to the ground.[6] [redacted] and Gonzalez were five to ten feet behind Hernandez, chasing him. [redacted] heard six gunshots as Hernandez veered right heading toward the Hawthorne Boulevard exit on the south side of the plaza. [redacted] saw [redacted] firing his service-weapon. [redacted] believed that Gonzalez also fired, however, he did not personally see him shoot his weapon. Hernandez ran for a short distance after being shot, dropped his weapon then knelt down on the ground. Initially, [redacted] stated that Hernandez did not look back toward the deputies until after he was shot. [redacted] then clarified that Hernandez looked back toward the deputies after they started firing. Hernandez turned back around and kept running until he realized he was shot then dropped the revolver.

[redacted] was walking south across the Burger King drive thru lane when he observed Hernandez running in his direction, holding a gun down by his side. [redacted] and Gonzalez were 15 to 20 feet behind Hernandez and had their service weapons drawn. Both deputies fired at Hernandez. Hernandez went to the ground.

[redacted] was sitting in her car parked in front of Boost Mobile, facing east. [redacted] was looking to her left when she observed Hernandez running south from the Burger King. She did not see any

[6] During a brief interview at the scene, [redacted] stated Hernandez held the gun in his right hand. During the formal interview with investigators at the station, [redacted] was uncertain in which hand Hernandez held the weapon.



deputies at that time. Hernandez was holding a partially exposed revolver in his pants pocket. It appeared to [redacted] that Hernandez was holding up his pants while running. [redacted] heard four gunshots as Hernandez ran behind her car. She did not see who fired. [redacted] looked to her right and saw Hernandez drop the revolver to the ground. At that time, she observed [redacted] and Gonzalez with Hernandez.

[redacted] was parking her car in front of the check cashing business next to the Chinese restaurant when she observed Hernandez running south through the parking lot. She then heard four to five gunshots. [redacted] looked to her right and observed [redacted] and Gonzalez pointing their service weapons at Hernandez, ordering him to raise his hands. On the ground next to Hernandez was a firearm. Similarly, [redacted] was inside Boost Mobile and heard four to five gunshots. [redacted] looked outside and observed Hernandez on the ground and a revolver near one of the deputy's feet.

Hernandez Injury

Hernandez was transported to Harbor-UCLA Medical Center where he was treated for a through and through gunshot wound to his left side just below his ribcage.

[redacted] Surveillance Video

The [redacted] has two surveillance cameras that captured portions of the officer involved shooting. One of the cameras faces north and captures the corner of the parking lot in front of the fish market and [redacted]. It does not capture any part of the parking lot in front of the Burger King, the beauty supply store or Boost Mobile. The second camera faces west toward the Hawthorne Boulevard parking lot exit.

The north facing camera first shows Hernandez as he runs behind a car parked in front of Boost Mobile. [redacted] is approximately six feet behind Hernandez with his service weapon pointed at him. Seconds later they run out of view. Due to the distance from the camera and the quality of the video, it is difficult to determine whether Hernandez turns back toward [redacted] during the few seconds captured on the video.

In the video from the west facing camera, a puff of dust can be seen flying up from the ground, consistent with a bullet striking the pavement, before Hernandez and [redacted] come into view. Hernandez is then seen running west toward the Hawthorne Boulevard exit. A second gunshot strikes the pavement as [redacted] comes into view with his service weapon pointed at Hernandez. At the same time, Hernandez drops a gun which slides out of view near cars parked on the south side of the lot. As the gun falls to the ground and slides out of view, two more gunshots can be seen striking the ground. Hernandez runs for another eight to nine steps then comes to a stop. Hernandez turns toward [redacted] and raises his hands above his head. Five seconds elapsed between the time the first puff of dust is seen on the video until Hernandez turns and raises his hands. It does not appear that Hernandez turned back toward [redacted] on the video captured by this camera. [redacted] holds Hernandez at gunpoint and gestures toward the ground. Hernandez goes to his hands and knees on the ground as Gonzalez comes into view.

Recovered Firearm

A black Ruger .22 caliber revolver loaded with three unfired rounds was recovered behind a car parked in front of the Chinese restaurant.

Recovered Narcotics

On March 4, 2017, hospital personnel at Harbor-UCLA Medical center provided deputies with Hernandez' clothing. Six white bindles containing what deputies believed to be methamphetamine were recovered in the right front pocket of his pants. Three of the bindles were chemically tested by LASD Scientific Services Bureau. It was determined that two bindles contained powder cocaine and the third contained methamphetamine. The other three bindles were not tested.

Statement of Fernando Hernandez

Fernando Hernandez invoked his Miranda rights and declined to provide investigators a statement about the shooting.

Criminal Charges

On March 8, 2016, Hernandez was charged in felony complaint YA093860 with possession of a firearm by a felon, carrying a loaded firearm with a prior felony conviction, possession of a controlled substance and possession of a controlled substance with a firearm. It was also alleged that Hernandez was previously [redacted] of a [redacted], a [redacted] and [redacted]. On July 25, 2016, Hernandez pled nolo contendere to the charge of possession of a firearm by a felon, admitted his [redacted] and was sentenced to 32 months in state prison.

LEGAL ANALYSIS

The use of deadly force in self-defense or in defense of another is justifiable if the person claiming the right actually and reasonably believed (1) that he or the person he was defending was in imminent danger of being killed or suffering great bodily injury, (2) that the immediate use of force was necessary to defend against that danger, and (3) that he used no more force than was reasonably necessary to defend against that danger. See, *CALCRIM No. 505.*

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments -- in circumstances that are tense, uncertain, and rapidly evolving -- about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

In *Graham*, the United States Supreme Court held that the reasonableness of the force used "requires careful attention to the facts and circumstances of each particular case." "Thus we must avoid substituting our personal notions of proper police procedures for the instantaneous decision of the officer at the scene. We must never allow the theoretical, sanitized world of our imagination to replace the dangerous and complex world that policemen face every day. What

constitutes 'reasonable[illegible]tion may seem quite different to some[illegible] facing a possible assailant than to someone analyzing the question at leisure." *Smith v. Freland* (6th Cir. 1992) 954 F.2d 343, 347.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say that he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App. 2d 575, 589.

The test of whether the officer's actions were objectively reasonable is "highly deferential to the police officer's need to protect himself and others." *Munoz v. City of Union City* (2004) 120 Cal.App. 4th 1077, 1102.

CONCLUSION

The evidence examined shows that Hernandez was in possession of narcotics and armed with a loaded firearm when he was contacted by [redacted] and Gonzalez. Hernandez fled when Gonzalez attempted to pat him down for weapons. During the foot pursuit, [redacted] observed Hernandez remove a firearm from his pants pocket. Hernandez maintained possession of the weapon and made no attempt to discard it. According to [redacted] Hernandez then looked back in [redacted] direction as he continued to flee with the revolver in his hand. [redacted] also observed Hernandez turn back toward [redacted] during the pursuit, however, he believed that occurred after [redacted] began firing his service weapon.

Under the circumstances, it was reasonable for [redacted] to believe that when Hernandez looked toward him, Hernandez was attempting to locate his position in order to shoot him. Hernandez was desperate to avoid arrest. He knowingly removed a firearm from his pocket while being pursued by deputies. Instead of tossing the gun, he openly carried it in the deputies' presence. It was reasonable for [redacted] to fear that Hernandez was intending to use the gun against him in an effort to escape. As [redacted] stated, it would only take one "lucky shot" for Hernandez to kill him. In reasonable fear for his life, and the lives of Gonzalez and the other civilians at the plaza, [redacted] responded with reasonable deadly force and fired his service weapon at Hernandez.

We conclude that Deputy [redacted] acted in lawful self-defense and defense of others when he used deadly force against Hernandez. We are therefore closing our file and will take no further action in this manner.



OFFICE OF THE SHERIFF



COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF

March 28, 2019

Date of Department Hire [redacted]

Deputy [redacted], #[redacted]
[redacted]

Dear Deputy [redacted]

LETTER OF IMPOSITION

On August 31, 2018, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number IV2462627. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that pursuant to a settlement agreement between you and this Department, dated March 12, 2019, the eight (8) days suspension has been reduced to four (4) days. You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of four (4) days, effective April 8, 2019 through April 11, 2019.

An investigation under File Number IAB IV2462627, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Department's Manual of Policy and Procedures, Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders, specifically pertaining to 3-10/150.00, Tactical Incidents; and/or 3-10/050.15, Performance to Standards – Performance Associated with the Use of Force, on or about March 4, 2016, while on-duty and assigned to South Los Angeles Station, you failed to perform to the standards established for the position of a patrol trained deputy sheriff when you failed to employ sound tactical principles during a foot pursuit and/or acted in a reckless manner, as evidenced by, but not limited to, the following:

   a. failing to communicate and/or or maintain observation of your partner, Deputy Daniel Gonzalez, during the pursuit; and/or,

   b. failing to take a tactical position of advantage by choosing a path of cover and/or concealment when you chased after an armed suspect; and/or,

   c. failing to consider the shooting backdrop and/or field of fire during a tactical shooting dilemma.

2. That in violation of the Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders, specifically pertaining to 5-09/220.50, Foot Pursuits, on or about March 4, 2016, while on-duty and assigned to South Los Angeles Station, you failed to conform to the standards established for the position of a patrol trained Deputy Sheriff when, upon initiation of a foot pursuit of an armed suspect, you failed to broadcast radio traffic of required information via a dispatch frequency with the Sheriff's Communication Center, and/or when you closed the distance between yourself and an armed suspect after splitting from your partner, Deputy Daniel

> Gonzalez, such that each of you could not immediately render assistance to the other.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet, which are incorporated herein by reference.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

If you have any questions, you may contact Charna Toldson, of Internal Affairs Bureau, at ([redacted]) [redacted].

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

ALEX VILLANUEVA, SHERIFF

ELIEZER VERA, CHIEF
CENTRAL PATROL DIVISON

EV:CMT:ct
(Professional Standards and Training Division – Internal Affairs Bureau)

IAB FILE NO. IV2462627

Attachments

c: Eliezer Vera, Chief, Central Patrol Division
Daniel Holguin, Acting Captain, South Los Angeles Station/Unit Personnel File
Sandra Solis, Director, Personnel Administration Bureau/Department Personnell File
Doreen Garcia, Administrative Services Manager III, Pay, Leaves, and Records Units
Charna Toldson, Operations Assistant I, Internal Affairs Bureau
Vince Vasquez, Operations Assistant I, Advocacy Unit

SETTLEMENT AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy [redacted], Employee No. [redacted], hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in the Letter of Intent dated August 31, 2018, (IAB No. IV2462627), upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. Both parties agree that the eight (8) day suspension shall be reduced to a four (4) day suspension. The Letter of Imposition shall contain the same charges as the Letter of Intent.

2. The Department will, upon execution of this agreement, impose the four (4) day suspension.

3. Both parties agree and understand that Grievant's Performance Recording and Monitoring System will reflect that a four (4) day suspension was issued and may be used for the purposes of demonstrating "progressive discipline."

4. Grievant agrees to withdraw his grievance and to waive any and all future Administrative and/or Judicial remedies with respect to this matter. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission.

5. Grievant acknowledges and agrees that he has been provided the opportunity to consult with a labor representative and/or attorney regarding the terms and conditions of this Settlement Agreement.

6. The parties further agree that this Settlement Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice. This Settlement Agreement resolves the dispute between Grievant and the Department and is not to be applied to any other facts or disputes.

7. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit, and forever discharge the County, and all present and former officers, employees and agents of the County and their heirs, successors, assigns, and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter referred herein.
Additionally, Grievant specifically acknowledges that he has not been the subject of discrimination in any form, including, but not limited to, discrimination, retaliation or harassment, based upon age, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, parental status, sexual orientation or gender and that he has no claim against the Department for any such discrimination, whether any such claim is presently known or not known by him.

PRMS Update 3/12/19

8. Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> *"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."*

9. Each party hereto represents and agrees that he or it has carefully read and fully understands all of the provisions of the Settlement Agreement and that he or it is voluntarily, without any duress or undue influence on the part of or on behalf of any party, entering into this Settlement Agreement.

10. This Settlement Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy or facsimile transmission of the Settlement Agreement, including signatures, shall be deemed to constitute evidence of the Settlement Agreement having been executed.

11. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Settlement Agreement.

12. The parties agree that the foregoing comprises the entire Settlement Agreement between the parties and that there have been no other promises made by any party. Any modification of this Settlement Agreement must be in writing.

I have read the foregoing Settlement Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

For the Sheriff's Department:

Date: 03/09/2019

[redacted]

Deputy [redacted]
Employee No. [redacted]

Date: 3/12/19

Eliezer Vera, Chief
Central Patrol Division







COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

August 31, 2018



Deputy [redacted], #[redacted]
[redacted]
[redacted], [redacted]

Dear Deputy [redacted]

LETTER OF INTENT

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of eight (8) days.

An investigation under IAB File Number IV2462627, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Department's Manual of Policy and Procedures, Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders, specifically pertaining to 3-10/150.00, Tactical Incidents; and/or 3-10/050.15, Performance to Standards – Performance Associated with the Use of Force, on or about March 4, 2016, while on-duty and assigned to South Los Angeles Station, you failed to perform to the standards established for the position of a patrol trained deputy sheriff when you failed to employ sound tactical principles during a foot pursuit and/or acted in a reckless manner, as evidenced by, but not limited to, the following:

a. failing to communicate and/or or maintain observation of your partner, Deputy Daniel Gonzalez, during the pursuit; and/or,

b. failing to take a tactical position of advantage by choosing a path of cover and/or concealment when you chased after an armed suspect; and/or,

c. failing to consider the shooting backdrop and/or field of fire during a tactical shooting dilemma.

2. That in violation of the Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders, specifically pertaining to 5-09/220.50, Foot Pursuits, on or about March 4, 2016, while on-duty and assigned to South Los Angeles Station, you failed to conform to the standards established for the position of a patrol trained Deputy Sheriff when, upon initiation of a foot pursuit of an armed suspect, you failed to broadcast radio traffic of required information via a dispatch frequency with the Sheriff's Communication Center, and/or when you closed the distance between yourself and an armed suspect after splitting from your partner, Deputy Daniel Gonzalez, such that each of you could not immediately render assistance to the other.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary, and Investigative Packet, which are incorporated herein by reference.

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Tamora Johnson, of Internal Affairs Bureau, at ([redacted]) [redacted], and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Original Signed

Daniel Holguin, Acting Captain
South Los Angeles Station

DH:TKJ:tj
(Professional Standards and Training Division – Internal Affairs Bureau)

IAB FILE NO. IV2462627

Attachments:
Signature Page
CD Receipt

c: Joseph M. Gooden, Chief, Central Patrol Division
Georgette Burgess, Departmental Employee Relations Representative, Employee Relations Unit
Tamora Johnson, Operations Assistant I, Internal Affairs Bureau
Vince Vasquez, Operations Assistant I, Advocacy Unit